

## IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

PATENT  
APPLICATION

## REQUEST FOR FILING APPLICATION

Under Rule 53(a), (b) &amp; (f)

(No Filing Fee or Oath/Declaration)

(Do NOT use for Provisional or PCT Applications)

Use for Design or Utility Applications



00909

## RULE 53(f) NO DECLARATION

Hon. Commissioner of Patents  
Washington, DC 20231

Atty. Dkt.

P 280333

COPY OF PAPERS  
ORIGINALLY FILED

M#

Client Ref

Date:

August 31, 2001

Sir:

1. This is a Request for filing a new Patent Application(☐ Design ☒ Utility) entitled:

2. (Complete) Title:

METHOD TO MEASURE THE PERCEIVED QUALITY OF STREAMING MEDIA

without a filing fee or Oath/Declaration but for which is enclosed the following:

3. ☒ Abstract 1 page(s)

4. 13 Pages of Specification (only spec. and claims);

5. ☐ Specification in non-English language

6. 25 Numbered claim(s); and

7. ☒ Drawings: 4 sheet(s) ☐ 1 set informal;8. ☒ formal of size: ☒ A4 ☐ 11"9. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

10. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		<input type="checkbox"/> See 3 <sup>rd</sup> page for additional priorities	

11. (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. / filed on \_\_\_\_\_12. ☐ This is a reissue of Patent No. \_\_\_\_\_13. ☐ See top first page re prior Provisional, National, International application(s) (X box only if info is there and do not complete item 14 or 15.)

14. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. / filed \_\_\_\_\_  
 No. / filed \_\_\_\_\_  
 No. / filed \_\_\_\_\_  
 No. PCT/ / filed \_\_\_\_\_

designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English15. ☐ See the attached Preliminary Amendment, which amends the specification to claim benefit of the above listed US applications16. Extension to date: ☐ concurrently filed ☐ not needed ☐ previously filed17. ☐ Small Entity Status is claimed (pre-filing confirmation required)17(a) ☐ Attached: (No.) Small Entity Statement(s). (Since 9/8/00 Small Entity Statement not essential to make claim)17(b) ☐ See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

18. ☐ Assignee (optional).

19. ☐ Attached:

20. This application is made by the following named inventor(s) (Double check instructions for accuracy.):  
(Listing of inventor(s) not a requirement, but list if known)

(1) Inventor	Leena	K.	PUTHIYEDATH
	First	Middle Initial	Family Name
Residence	Beaverton	Oregon	Indian
	City	State/Foreign Country	Country of Citizenship
Mailing Address	723 NW 175 PL, Beaverton, Oregon		
(include Zip Code)	97006		

(2) Inventor			
	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

(3) Inventor			
	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

(4) Inventor			
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Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

(5) Inventor			
	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address			
(include Zip Code)			

21. NOTE: FOR ADDITIONAL INVENTORS, "X" box ☐ and list additional inventors on attached sheet (incorporated by reference)

Pillsbury Winthrop LLP  
Intellectual Property Group



00909

By: Atty: Glenn J. Perry

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Atty/Sec: GJP/AJC/smm

NOTE: File in duplicate with 2 post card receipts (PAT-103) & attachments

# APPLICATION UNDER UNITED STATES PATENT LAWS

Atty. Dkt. No. PW 280333  
(M#)

Invention: METHOD TO MEASURE THE PERCEIVED QUALITY OF STREAMING MEDIA

Inventor (s): PUTHIYEDATH

Pillsbury Winthrop LLP  
Intellectual Property Group  
1600 Tysons Boulevard  
McLean, VA 22102  
Attorneys  
Telephone: (703) 905-2000

## This is a:

- ☐ Provisional Application
- ☒ Regular Utility Application
- ☐ Continuing Application
  - ☐ The contents of the parent are incorporated by reference
- ☐ PCT National Phase Application
- ☐ Design Application
- ☐ Reissue Application
- ☐ Plant Application
- ☐ Substitute Specification
  - Sub. Spec. Filed \_\_\_\_\_
  - in App. No. \_\_\_\_\_ / \_\_\_\_\_
- ☐ Marked up Specification re
  - Sub. Spec. filed \_\_\_\_\_
  - In App. No. \_\_\_\_\_ / \_\_\_\_\_

## SPECIFICATION

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.61)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED  
METHOD TO MEASURE THE PERCEIVED QUALITY OF STREAMING MEDIA

the specification of which (CHECK applicable BOX(ES))

A. ☒ is attached hereto.

B. ☐ was filed on

as U.S. Application No.

C. ☐ was filed as PCT International Application No. PCT/

on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

Number

Country

Day/MONTH/Year Filed

Date first Laid-

open or Published

Date Patented

or Granted

Priority NOT Claimed

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)

Application No. (series code/serial no.)

Day/MONTH/Year Filed

Status

pending, abandoned, patented

Priority NOT Claimed

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1600 Tysons Blvd., McLean, VA 22102, telephone number (703) 905-2000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	Glenn J. Perry	28458	Richard H. Zaitlen	27248	James R. Thein	31710
Donald J. Bird	25323	Kendrew H. Colton	30368	Roger R. Wise	31204	Peter Lam	44855
G. Lloyd Knight	17698	G. Paul Edgell	24238	Jack S. Barufka	37087	Gene I. Su	45140
George M. Sirilla	18221	Lynn E. Eccleston	35861	Michael R. Dzwonczyk	36787	Richard C. Calderwood	35468
Kevin E. Joyce	20508	Timothy J. Klima	34852	Joseph R. Bond	36458	Seth Z. Kalson	40670
George M. Sirilla	18221	David A. Jakopin	32995	Sean Fitzgerald	32027	Naomi Obinato	39320
Dale S. Lazar	28872	Mark G. Paulson	30793	Leo V. Novakoski	37198	Steven C. Skabrat	36279
Paul E. White, Jr.	32011	Stephen C. Glazier	31361	Mark Seeley	32299	Robert G. Winkle	37474
Alan K. Aldous	31905	Robert D. Anderson	33826	Raymond J. Werner	34752		
Jeffrey S. Draeger	41000	Cynthia Thomas Faatz	39973	Calvin E. Wells	43256		
David J. Kaplan	41105	Charles A. Mirho	41199	W. Patrick Bengtsson	32456		
Thomas C. Reynolds	32488	Kenneth M. Seddon	43105	Adam R. Hess	41835		
Howard A. Skaist	36008	Steven C. Stewart	33555	William P. Atkins	38821		
Charles K. Young	39435	Thomas Raleigh Lane	42781	Paul L. Sharer	36004		

(1) INVENTOR'S SIGNATURE:

Date:

JULY 24 2001

Leena	K.	PUTHIYEDATH
First	Middle Initial	Family Name
Residence	Beaverton	Oregon
City	State/Foreign Country	Country of Citizenship
Post Office Address	723 NW 175 PL	
(include Zip Code)	97006	

(2) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Post Office Address		
(include Zip Code)		

FOR ADDITIONAL INVENTORS, "X" box ☐ and proceed on the attached page to list each additional inventor.

☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. 280333

(M#)

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)  
**PATENT AND TRADEMARK CASES - RULES OF PRACTICE**  
**DUTY OF DISCLOSURE**

- (a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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\* Six months for Design Applications (35 U.S.C. 172).